

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 02-CR-81043
HON. GEORGE CARAM STEEH

DIAMOND CRAFT,

Defendant.

_____/

ORDER DENYING CERTIFICATE OF APPEALABILITY (# 77, # 82)

On June 5, 2009, this court issued an Order dismissing Diamond Craft's October 5, 2006 petition for habeas relief under 28 U.S.C. § 2255 as a successive petition not approved by the Sixth Circuit. 28 U.S.C. § 2244(b)(3); In re Hanserd, 123 F.3d 922, 934 (6th Cir. 1997); Ferrazza v. Tessmer, 36 F.Supp.2d 965, 971 (E.D. Mich. 1999). Following an evidentiary hearing, this court determined on remand¹ that Craft expressly authorized Attorney Kevin Hammons to file an earlier July 1, 2005 § 2255 habeas petition.

Before Craft can appeal the June 5, 2009 ruling, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of a denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Craft has made no such showing. Accordingly, a certificate of appealability is hereby DENIED.

SO ORDERED.

Dated: July 27, 2009

s/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

¹ Craft v. United States, 299 Fed. App'x 507 (6th Cir. Oct. 31, 2008).

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 27, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk